

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:09-CV-534-F

LISA M. MILLER and husband,)	
ROBERT ANTHONY MILLER,)	
)	Order to Release Medical
Plaintiffs,)	Records pursuant to 45
)	C.F.R. § 164.512(e)(1)(i)
v.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

UPON CONSIDERATION OF the parties' Joint Motion for Entry of Order to Release Medical Records pursuant to 45 C.F.R. § 164.512(e)(1)(i), the Court addresses the Health Insurance Portability and Accountability Act (HIPAA) privacy rules, as follows:

1. The Court finds that the above-captioned action is filed pursuant to the Federal Tort Claims Act (FTCA) and alleges medical malpractice against the United States in the care and treatment of Plaintiff Lisa M. Miller in August 2006.
2. As a medical malpractice case, Plaintiff Lisa Miller has placed her physical and mental condition at issue, in whole or in part, and the parties, both Plaintiffs and Defendants, will require copies of Plaintiff Lisa M. Miller's medical records to prosecute and to defend the above-captioned case.

3. The following list of health care providers and/or health care facilities provided care, treatment or products to Lisa M. Miller during the time period January 1, 1995 to the present.

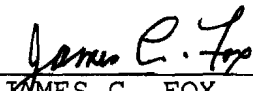
Eldad J. Hadar, MD
UNC - ED physician(s)
Kathryn P. Riesenman, M.D.
UNC Radiology
John P. Lavelle, M.D.
Tanya Zinner, M.D.
Jeffrey K. Smith, M.D.
Kevin J. Biese, M.D.
Jonathan Jones, M.D.
Judith E. Tintinalli, M.D.
Mauricio Castillo, M.D.
John P. Clarke, M.D.
Blair Keagy, M.D.
Evelyn Quinlivan, M.D.
Blair Keagy, M.D.
Culley C. Carson, M.D.
University of North Carolina Hospitals
Mid-Carolina Homecare Specialists
Home Health & Hospice Care, Inc. Providers
George W. Eason, M.D.
Watauga Medical Center
Tara L. Lopez, M.D.
Daniel C. Uba, M.D.
Spectrum Lab Network
Valerie Murray
Norman Collins, LCSW
Boone Drug & Healthcare
Cape Fear Valley Medical Center providers
Jerald F. Wolford, M.D.
Florias Andrew Morfesis, M.D.
WalMart # 1312
Walgreens Drugstore #06548
Kimberly Trujillo, S. PT.
Carolina Complete Rehab Hope Mills
Sanjeev K. Slehria, M.D.
Mark S. Zalaznik, M.D.
Delores L. Johnson, M.D.
Arvind Kumar, M.D.
Stephanie S. Holderread, S. LCSW
Pinnacle Health System

Catherine L. Horan-Nelson, M.D.
Scott C. Wright, M.D.
Fayetteville Ambulatory Surgery Center
HealthSouth Diagnostic Center of Fayetteville
Rite Aid #4260
Walgreens #11693

4. Plaintiffs allege negligence in August 2006.
Plaintiffs allege physical and emotional damages.
Therefore, Plaintiff Lisa Miller's medical and mental health condition both before and after August 2006 are relevant to evaluation and resolution of this case.
The relevant period of time is January 1, 1995 through the time of trial in August 2011.
5. This Order is entered pursuant to 45 C.F.R. § 164.512(e)(1)(i) and the consent of the parties.
6. HIPAA, regulation 45 C.F.R. § 164.512(e)(1)(v)(A), prohibits parties who receive copies of medical records from using or disclosing the medical records (protected health information) for any purpose other than prosecuting or defending the above-captioned suit.
HIPAA, regulation 45 C.F.R. § 164.512(e)(1)(v)(B), requires that parties who receive copies of medical records either return the records to the health care provider who/which disclosed the records or destroy the records (protected health information), including all copies, at the end of litigation.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the foregoing Joint Motion is GRANTED and that all medical providers of Plaintiff Lisa M. Miller, listed in paragraph 3, above, are hereby authorized and instructed to disclose all of Plaintiff Lisa M. Miller's medical records and HIPAA protected health information in their possession, for the time period January 1, 1995 through August 2011, to the parties in this matter, including counsel for Lisa M. Miller and Robert A. Miller and counsel for the United States, the United States Attorney's Office for the Eastern District of North Carolina, for use in this litigation for whatever purposes are deemed necessary, including disclosure to and use by expert witnesses, fact witnesses and/or consultants. The parties may not use or disclose the records produced pursuant to this Order for any purpose other than litigation of the above-captioned case. Upon resolution of this case, whether through settlement or judgment, the parties are ordered to either return the records obtained pursuant to this Order to the disclosing provider or to destroy the records. This Order for release of medical records shall terminate upon the resolution of this case or by subsequent stipulation of the parties or by Court Order.

IT IS SO ORDERED this the 12 day of July, 2010.



JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE